THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.23283 OF 2007

DATED: 02-11-2007

BETWEEN

Chinni Samrajyam,
W/o. Venkateswara Rao,
R/o. H.No.31-23-24,
Near Anjaneyaswamy Temple,
Eluru Road, Machavaram,
Vijayawada, Krishna District
and another.

...PETITIONERS

AND

Government of Andhra Pradesh,
Rep. by its Secretary,
Health, Municipal Administration
And Urban Development Department,
Secretariat, Hyderabad and another.

...RESPONDENTS

ORDER:

Petitioners submit that they are the owners of the house bearing No.32-26-38 and 32-26-39 in an extent of 80 sq. yards situated near Anjaneyaswamy Temple, Machavaram, Eluru Road, Vijayawada, Krishna District. While so, the officials of the Municipal Corporation made some markings in red on a portion of their building for the purpose of widening of the road. Petitioners further submit that no notice has been issued and no proceedings have been initiated for acquiring the land by way of an agreement under Section 146 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') or by way of compulsory acquisition of the property

under Section 147 of the Act.

2. No doubt, widening of the road is for public purpose and if the petitioners are not inclined to give their consent for taking away any portion of their property for the purpose of widening of the road by availing appropriate benefits under the relevant G.Os, the only course open to the respondents is to acquire the land under Section 147 of the Act.

3. Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioners without following due process of law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

November 2, 2007

DSK